

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FRANK KUNKLE, *on behalf of himself and
all others similarly situated*,

Plaintiff,

-against-

PESCIENCE, LLC,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/2/2023

1:23-cv-5094

ORDER

MARY KAY VYSKOCIL, United States District Judge:

A review of court records indicates that the complaint in this action was filed on June 16, 2023, and that no proof of service has been filed. Rule 4(m) of the Federal Rules of Civil Procedure provides:

If a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

The plaintiff is directed to serve the defendant and file proof of service on the docket on or before October 20, 2023. If service has not been made on or before that date, and if plaintiff fails to show cause, in writing, why service has not been made, the complaint will be dismissed for failure to prosecute pursuant to Rules 4 and 41 of the Federal Rules of Civil Procedure.

SO ORDERED.

**Date: October 2, 2023
New York, NY**



**MARY KAY VYSKOCIL
United States District Judge**